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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,451	04/17/2000	Dan Davison	CRFY-110	1723

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EXAMINER

LIANG, GWEN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/550,451

Applicant(s)

DAVISON, DAN

Examiner

GWEN LIANG

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,2,4-10,21,23-27,31 and 32.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____.


ALFORD KINDRED
PRIMARY EXAMINER

Continuation of 2. NOTE: The proposed claim changes "each of the multiple entries comprise only the object identifier and the associated data" in claim 23 are not entered because they raise new issues that would require further consideration and search.

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments regarding independent claims 1, 21 and 31 and all the dependent claims have been considered but they are not persuasive.

In response to applicant's remarks regarding claim 1, the recited feature "multiple simultaneous hierarchies..." in the applicant's arguments, "The cited text of Uppala and Inoue, both singly and in combination, fail to teach multiple simultaneous hierarchies, wherein each entry is associated with at least one of the multiple hierarchies" (Applicant's Remarks page 8, paragraph 3) has not been given patentable weight because the recited feature occurs in the preamble. A preamble is generally not accorded any patentable weight when it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The applicant's arguments regarding claim 1, "The combination of Inoue, however, fails to provide this limitation. The cited text and figures of Inoue describe changing a parent node linking relationship from one child node to another child node or group of nodes (FIG. 24, col. 19, lines 30-38; col. 20, lines 8-10), not reversing the relationship.", have been considered but they are not persuasive. As reasons already stated in the Final Office Action mailed on 07 October 2003 (paper number 15), the Examiner maintains that the cited text and figures of Inoue do teach "designating a parent-child relationship ..., wherein the relationship is reversible" as recited in claim 1.

The rejection regarding independent claim 21 is maintained as stated in the Final Office Action mailed on 07 October 2003 (paper number 15) based on the same reasoning stated above for claim 1.

The applicant's arguments regarding claim 31, "Uppala fails to teach or suggest each of the above recited elements, such as storing associated data to be accessed for each object identifier, wherein the storing is performed regardless of whether the data stored in the first entry is unique with respect to the data stored in the second entry.", have been considered but they are not persuasive. As reasons already stated in the Final Office Action mailed on 07 October 2003 (paper number 15), claim 31 is rejected partially based on the reasons given for claim 23, wherein Inoue teaches the limitation of "creating a first table..., wherein the creating includes populating the first table with the associated data regardless of whether the data ... is unique ...". The Examiner maintains that the combined references of Uppala and Inoue do teach "storing associated data to be accessed for each object identifier, wherein the storing is performed regardless of whether the data stored in the first entry is unique with respect to the data stored in the second entry" as recited in claim 31.